

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Kevin M Gibbons**
Docket No. **277910**
L. Ct. No. **02-010814-01**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal from the February 9, 2007 order denying appellant's motion for resentencing is **DISMISSED** for lack of jurisdiction since the order in question actually denied a successive motion for relief from judgment where no newly discovered evidence or retroactive change in the law can be found. MCR 6.502(G). This Court, however, has jurisdiction over the appeal from the May 12, 2006 order denying appellant's first motion for relief from judgment since he filed it within the time limits set by the court rules. MCR 6.509(A), 7.203(B)(4), and 7.205(F)(3).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 21 2007

Date

Sandra Schultz Mengel
Chief Clerk